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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,927	12/23/2004	Helmut Fiebig	MERCK-2966	8085
23599	7590	07/25/2007	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			ROONEY, NORA MAUREEN	
		ART UNIT	PAPER NUMBER	
		1644		
		MAIL DATE		DELIVERY MODE
		07/25/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10518927	12/23/2004	FIEBIG ET AL.	MERCK-2966

EXAMINER

Nora M. Rooney

ART UNIT	PAPER
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1644 20070709

DATE MAILED:

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Commissioner for Patents

Applicant's election of Group II, Claims 13-15, in the response filed on 06/29/2007, is acknowledged. However, Applicant's response is not fully responsive to the prior Office Action mailed on 06/07/2007, because Applicants fail to elect a single specific species as required under 35 US 121 (1):

In the prior Office Action it was stated in paragraph No. 7: If any of Groups II or III is elected, applicant is further required to elect: a polypeptide encoded by a single specific DNA molecule of claim 1.

In Applicant's response filed 06/29/2007, Applicant states: "In response to the Restriction Requirement dated March 27, 2007, Applicants hereby elect, with traverse, Group II (claims 13-15), drawn to Phl p 4 protein or polypeptide fragments thereof and a pharmaceutical composition comprising the Phl p 4 protein or polypeptide fragments thereof."

Applicant has not elected a single specific species as is required under 35 U.S.C 121. Applicant is required to elect a single specific Phl p 4 protein or polypeptide encoded by a single specific DNA. Alternatively, Applicant may elect a single specific Phl p 4 protein or polypeptide having a single specific amino acid sequence. To be fully responsive to the Office Action mailed on 06/29/2007, applicant must elect a single specific Phl p 4 protein or polypeptide species.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nora M. Rooney whose telephone number is (571) 272-9937. The examiner can normally be reached Monday through Friday from 8:30 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 12, 2007  
Nora M?Rooney, M.S., J.D.  
Patent Examiner  
Technology Center 1600

*Maher M. Haddad*

MAHER M. HADDAD  
PRIMARY EXAMINER

7/20/07